IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 6783 of 2007(G)

PETITIONER:

M/S MILMA,
(KERALA CO-OPERATIVE MILK MARKETING FEDERATION),
TRIPUNITHURA, ERNAKULAM.
REPRESENTED BY ITS MANAGER.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN
SRI. ROY JOSEPH

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

2. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
PATTOM, THIRUVANANTHAPURAM.

3. SPECIAL OFFICER(REVENUE),
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

4. THE KERALA STATE ELECTRICITY REGULATORY
COMMISSION, 30, PARAMESWARA BHAVAN,
BELHEAVEN GARDENS, KAWDIAR,
THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.P. THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/06/2007, ALONG WITH WPC 10488 AND 12314 OF 2007
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE JUDGMENT DATED 14.1.2005 IN WPC 34311 OF 2003

EXT.P2 TRUE COPY OF THE JUDGMENT DATED 3.2.2006 IN W.A.NO.2096 OF 2005 AND CONNECTED CASES.

EXT.P3 TRUE COPY OF THE ORDER DATED 12.9.2006 PASSED BY THE 4TH RESPONDENT.

EXT.P4 TRUE COPY OF THE BILL FOR THE MONTH OF 12/2006 ISSUED UNDER HT I TARIFF BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P5 TRUE COPY OF THE BILL FOR THE MONTH OF 1/2007 ISSUED TO THE PETITIONER BY THE THIRD RESPONDENT.

EXT.P6 TRUE COPY OF THE CERTIFICATE DATED 20.9.2006 ISSUED BY THE DIRECTOR.

EXT.P7 TRUE COPY OF BOARD ORDER DATED 19.12.2006

RESPONDENTS' EXHIBITS:

EXT.R3(a) TRUE COPY OF COMMUNICATION FROM THE DY. CHIEF ENGINEER.

EXT.R3(b) TRUE COPY OF ORDER DATED 19.12.2006

TRIE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO.6783,10488 & 12314 OF 2007

Dated this the 6th day of June, 2007

JUDGMENT

The prayer in the WPs. is only for direction to the KSEB to bill petitioner at the industrial tariff, HT I in terms of Ext.P3 order of the Kerala State Electricity Regulatory Commission. Ele. Board has not disputed the Regulatory Commission's order issued on 12.9.2006. In thecircumstances, W.Ps. are allowed directing the respondents to change the petitioner's tariff to HT I, revise the bills and recover the amount at the said rate. There will be further direction to the respondents to raise future bills only at HT I tariff.

(C.N.RAMACHANDRAN NAIR)
Judge